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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the eighth periodic report of the Republic of Korea

General

1. In accordance with the State party's obligations under articles 1 and 2 of the Convention and with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, and with reference to paragraph 5 of the State party's eighth periodic report (CEDAW/C/KOR/8),[1] please provide more details about the preparation of the report, including whether the report was formally adopted by the Government and presented to the National Assembly, and the involvement therein of non-governmental organizations, in particular women's organizations, and about the specific measures taken by the State party to guarantee the genuine participation of women's organizations in the formulation and implementation of gender equality policies, including financial assistance.

Legal status of the Convention and legislative and institutional framework

2. Please indicate whether the State party has expedited its efforts towards the withdrawal, within a specific time frame, of its reservation to article 16 (1) (g) of the Convention.

3. Despite the Committee's recommendation in its previous concluding observations (CEDAW/C/KOR/CO/7, para. 15), the State party appears to have made slow progress towards the adoption of a comprehensive anti-discrimination law in line with articles 1 and 2 of the Convention and the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under

Note: The present document is being circulated in English, French and Spanish only.

[1] Unless otherwise indicated, paragraph numbers refer to the eighth periodic report of the State party.

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article 2 of the Convention, that includes a clear prohibition of all forms of discrimination, both direct and indirect, and that takes into account article 2 (4) of the National Human Rights Commission Act (2005), which prohibits discrimination based on sexual orientation. The National Human Rights Commission proposed, in the third national action plan for the promotion and protection of human rights, covering the period 2017-2021, the adoption of an anti-discrimination law. Please provide information on the efforts to accelerate the process and provide a specific time frame. Does the State party envisage making the anti-discrimination law applicable to the private sector and prohibiting misogyny and related hate crimes and online sexual violence and harassment?

National machinery for the advancement of women

4. Please provide information on the measures taken to strengthen the monitoring functions of the National Human Rights Commission, including in the area of gender and women's rights, and give statistics on the number of complaints received in that area. With reference to paragraphs 12, 13 and 44, please provide information about the impact of the Framework Act on Gender Equality of May 2014 and the Gender Impact Analysis and Assessment Act of 2011 on the practical realization of gender equality, including on the gender mainstreaming of policies, programmes, plans and legislation, and the implementation thereof at the national and subnational levels of government, and about related coordination by the Gender Equality Committee. Please indicate how many members of the Committee are from the private sector and which segments they represent. Please provide the number of gender equality policy officers and indicate whether the State party has installed them in other municipal and provincial government bodies in addition to the 17 referenced in the report.

5. With reference to paragraphs 45 and 46 and annex I and the information received by the Committee that the Ministry of Gender Equality and Family accounts for 0.18 per cent of the entire budget of the State party planned for 2017, please indicate the impact of the newly established system of gender-responsive budgeting at all levels of government, in particular for the budget years 2015 and 2016. Please include information on the coordination efforts of the permanent cooperation and coordination body that was established in 2014 under the Ministry of Strategy and Finance and related ministries and the results of such efforts, and indicate whether there are plans to create an overarching body in the Office of the Presidency to ensure gender mainstreaming, gender impact assessments and gender-responsive budgeting in a more integrated and coordinated manner among the relevant national and subnational government bodies and other public agencies.

6. In the light of Sustainable Development Goal 16, please indicate the measures, including legislative measures, taken to address the issue of corruption in public office and its impact on human rights and in particular the advancement, promotion, protection and implementation of all rights guaranteed under the Convention, including adequate funding and resources for supporting the national machinery for the advancement of women.

Temporary special measures

7. With reference to paragraphs 53, 54 and 77 to 84 and tables 6 to 8 and 21 to 27, please indicate whether the temporary special measures taken to increase the representation of women in political and public life, as recommended by the Committee in paragraph 25 of its previous concluding observations, have yielded additional positive results, given the modest targets set by the State party. In particular, what further measures has the State party taken to address the particularly low percentage of female public officials at level 4 and above and in

senior executive services in order to reduce the gender imbalance in the public sector? In view of the information before the Committee about the low percentage of women elected in national and subnational elections, in particular to leadership positions, despite the existing legal framework with an electoral gender quota established in the Public Official Election Act (according to which parties should nominate at least 50 per cent female candidates in elections for the National Assembly pursuant to the proportional representation system, which applies to only 47 of the 300 seats in the Assembly), the financial incentives in the Political Funds Act and the Political Parties Act and the gender imbalance among judges and prosecutors (para. 78 and table 23), please provide updated sex-disaggregated data and information on specific measures, including temporary special measures and punitive provisions for non-compliance with (electoral) gender quota systems, to accelerate the increase in the representation of women in the National Assembly and subnational assemblies, public universities, managerial positions at all levels of schooling, the judiciary and prosecution services. Please provide sex-disaggregated data on the representation of women in ministries and senior positions in the foreign service.

Violence against women

8. Please indicate whether the Constitutional Court decision of 2013 establishing an explicit precedent for the criminalization of marital rape has the force of law, taking into account paragraph 21 (e) of the previous concluding observations, in which the Committee called upon the State party to take all legislative measures necessary to criminalize marital rape, defined on the basis of lack of consent of the wife, the follow-up report (CEDAW/C/KOR/CO/7/Add.1) and annex I.

9. The Committee recalls its recommendation in paragraph 21 (a) of the previous concluding observations, and with regard to the related follow-up report and annex I, notes that it has received reports that home protection cases (meaning a case subject to a protective disposition under the Act on Special Cases concerning the Punishment, etc. of Crimes of Domestic Violence because of a crime of domestic violence) increased by almost 377 per cent from 2006 to 2015, that 43.4 per cent of a total of 16,868 home protection cases did not entail any punishment in 2015, amounting to an increase of 31.8 per cent compared with 2006, and that, in the fact-finding survey on domestic violence published by the Ministry of Gender Equality and Family in 2016, it was shown that only 2.8 per cent of female victims of domestic violence reported their cases to the police. Please indicate the specific measures taken to encourage the reporting of domestic and sexual violence cases and to ensure that education professionals, health-care providers and social workers are fully aware of the relevant legal provisions and comply with their obligation to report such cases. Please provide information on the Act on the Prevention of Children and Juveniles from Sexual Abuse, which includes provisions for the training of persons with obligations to report sexual abuse cases. With reference to paragraph 26 and table 1, please indicate whether the target of 10 per cent female police officers for 2017 has been reached and what further measures the State party has taken, or envisages taking, to significantly increase their numbers, and describe the specific programmes on gender-sensitive education provided to all police officers. What steps have been taken to explicitly prohibit the corporal punishment of children, including girls, in child-rearing?

10. In view of the reports of sexual violence and harassment, including by teachers, at all levels of schooling, please provide information about the urgent measures taken by the State party to address that situation and prevent the revictimization of women and girls who are victims of gender-based violence in school settings. Please provide information on the current situation with regard to

and the measures taken to address the issue of misogyny and related hate crimes, stalking and online sexual violence and harassment. Please indicate whether the measures recommended by the National Human Rights Commission in 2013 for the prevention of sexual harassment and assault, by enhancing victim support in universities, promoting the human rights of servicewomen and preventing sexual harassment and sexual violence in the military (para. 71), have been implemented and with what results. With reference to paragraphs 41, 69 and 72, please provide information on the measures taken to prevent sexual harassment in small enterprises, in which most female part-time workers are reportedly employed.

11. What measures are in place to ensure that the specific needs of women and girls, including unaccompanied girls, arriving and resettling in the State party from the Democratic People's Republic of Korea who are victims of sexual abuse are identified and taken into account when they are vetted by the State party and that the victims are referred to the appropriate social services?

Trafficking and exploitation of prostitution of women

12. With reference to the recommendation in paragraph 23 of the previous concluding observations, please provide information on the initial experience, including on the number of investigations and prosecutions and the sentences imposed on perpetrators of trafficking and related crimes, following the State party's ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and, with reference to paragraph 15, indicate in particular whether the definition of trafficking is in line with international standards. Please provide information on the measures taken to prevent trafficking in and the sexual exploitation of women and girls, including unaccompanied girls, arriving and resettling in the State party from the Democratic People's Republic of Korea. Please also provide detailed information about the outcome of the review concerning the decriminalization of prostitution, as mentioned in annex I, and on other measures described in paragraphs 73-76 and annex I with regard to the protection of female victims of exploitation in prostitution. Please indicate the measures taken to address the high prevalence of new forms of prostitution among adolescent girls in order to reduce the demand and whether women and girls in prostitution are provided with alternative income opportunities, including exit programmes, if they wish to leave prostitution.

Nationality

13. In view of the Committee's recommendation in paragraph 27 of its previous concluding observations that the State party revise its legislation governing nationality with a view to removing all discriminatory provisions relating to the requirements for acquiring nationality, please explain paragraphs 84 and 85 and annex I, in which it is stated that there are no provisions that discriminate against women in the current legislation. Does this statement refer to female nationals of the State party married to foreign men attempting to acquire nationality or to women and discrimination in general?

Education

14. In view of the measures taken by the State party to address the low participation of women and girls in university education in natural sciences and engineering, as described in paragraphs 89 to 91, please explain the significant decrease in the proportion of female engineering students from 2005 to 2013, as reflected in table 30. Please describe the measures taken to orient women and girls

towards non-traditional fields of study and career paths, such as mathematics, engineering, science and technology.

15. In view of the information before the Committee that the national standard on sex education, which was introduced by the Ministry of Education in 2015 and implemented in every school as at March 2017, excludes a number of important sexual and reproductive health and rights issues, please provide updated information on the measures taken to continuously revise school curricula to ensure that they include age-appropriate education on sexual and reproductive health and rights at all school levels in order to combat early pregnancies and inform adolescents about sexually responsible behaviour, with a gender perspective and taking into account the rights of sexual minorities and developments in the fields of education and health.

Employment

16. In the light of paragraphs 30 and 31 of the Committee's previous concluding observations, please provide additional disaggregated data on labour market indicators and specify the measures taken to increase the number of women in full-time work in the formal employment sector. With reference to paragraph 117 of the report, please inform the Committee about the impact of the measures described in annex I with regard to equal pay for work of equal value, in particular in the light of the reports that the State party displays the highest gender wage gap of all member countries of the Organization for Economic Cooperation and Development.

17. In the light of paragraphs 92 and 93 and tables 33 and 34, please provide data on female executive members in private sector enterprises and updated statistical data on women's economic participation and the proportion of women in irregular, fixed-term, part-time and atypical employment. Please explain the slow increase, as well as the relative and absolute stagnation and, in some areas, even decrease, from 2010 to 2014, in many categories of women's economic participation and in the overall proportion of women in irregular, fixed-term, part-time and atypical employment, despite the efforts of the State party to increase the percentage of women in full-time work in the formal employment sector. What plans does the State party have to address that situation, in particular the reported low economic participation of highly educated women? In the light of the limited effect of the measures taken, including the implementation of a life cycle career management support plan for female workers, are there any plans to fundamentally review relevant policies with the aim of rendering them more effective? Please provide comprehensive data on the employment and advancement opportunities for refugee women from the Democratic People's Republic of Korea in the State party.

18. With reference to paragraphs 38 to 40, 98, 101 to 104 and 108, annex 1 and tables 37 and 38, and in the light of the information received by the Committee that most women, in particular in their 40s and older, are employed in irregular and low-quality positions and often lack employment insurance protection, please provide additional information on the measures taken to improve the provision of affordable childcare facilities for different age groups, in particular for female-headed households, as recommended by the Committee in its previous concluding observations (para. 33), and access to paid maternity leave. Please also provide information on women's access to social insurance benefits and indicate whether any additional measures have been adopted to prevent unpaid maternity and childcare leave or the termination of employment contracts, in particular for women in irregular employment, since the submission of the report.

Health

19. Noting the scarcity of information provided by the State party (para. 122 and annex I), please provide detailed information on the measures taken to implement the Committee's recommendation contained in its previous concluding observations (para. 35) to consider reviewing legislation relating to abortion, in particular the Criminal Code, with a view to removing the punitive provisions imposed on women who undergo an abortion, and to provide them with access to high-quality services for the management of complications arising from unsafe abortion, in accordance with the Committee's general recommendation No. 24 (1999) on women and health, other than abortion prevention education and campaigns. In particular, in view of the reports received that, in 2016, the State party announced that it would increase the criminal penalties for medical service providers that perform abortions under the current restrictive laws, please indicate whether the State party intends to legalize abortion in the cases of rape, incest, threats to the life or health of the pregnant woman and serious fetal impairment and to decriminalize it in all other cases, as recommended by the Committee. Please provide information on the steps taken to offer services in relation to sexual and reproductive health and rights under the national health insurance coverage.

Rural women

20. In line with the Committee's general recommendation No. 34 (2016) on the rights of rural women, please provide information on the focus of any successor plan to the third five-year plan to cultivate female farmers and fishers (2011-2015), as referenced in paragraph 134 and annex I. With regard to paragraph 137, please indicate the total number of female directors in regional fisheries cooperatives, in which one female director has to be designated if the proportion of female members reaches the threshold of 30 per cent of total members, in accordance with the Fisheries Cooperatives Act. Please also indicate whether the State party envisages adopting additional temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, to increase the participation of women in that industry. Please inform the Committee about the outcome of the revision of the Agricultural Cooperatives Act to require the designation of one female director if the proportion of female members reaches the threshold of 30 per cent of total members.

Disadvantaged groups of women

21. In line with the Committee's general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, and in the light of the reports that asylum claims based on gender-based violence against women have rarely been recognized by the State party, including when they relate to severe domestic violence or sexual violence against women in conflict situations, has the State party taken any measures to provide training to the officers examining such asylum claims, with a view to raising their awareness of the specific protection needs and rights of women under the Convention? What measures has the State party adopted to raise awareness among the persons from the Democratic People's Republic of Korea present in the State party about sexual violence perpetrated by smugglers and traffickers against refugee women from that country? What measures have been adopted to investigate, prosecute and adequately punish the perpetrators of such crimes who are under the jurisdiction of the State party?

Marriage and family relations

22. Please provide information on the legislative measures taken by the State party to recognize both tangible and intangible property, such as pensions and savings funds, as part of marital property, to incorporate a rule of equal distribution of marital property upon divorce into its legislation, in line with article 16 of the Convention and the Committee's general recommendation No. 21 (1994) on equality in marriage and family relations, and to eliminate consideration of "fault" in the determination of the division of assets in divorce cases, as recommended by the Committee in its previous concluding observations (para. 39).

Data collection

23. Please update the comprehensive statistical data provided in the report and annex II thereto, including sex-disaggregated data on the situation of persons from the Democratic People's Republic of Korea present in the State party and comprehensive data on the structural causes of gender-based violence against women, as recommended by the Committee in its previous concluding observations (para. 21 (f)), as well as relevant additional information on legislative, policy, administrative and other measures taken to implement the provisions of the Convention and the Committee's recommendations since the submission of the report, so as to support policymaking and programme development and measure progress towards the implementation of the Convention and the promotion of the substantive equality of women and men. Please note that, further to the issues raised herein, the State party is expected, during the dialogue, to respond to additional questions relating to areas covered by the Convention.